

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Tim Atiba Ward

Write the full name of each plaintiff.

17 cv 5248 (NSM)

(Include case number if one has been assigned)

First
AMENDED

-against-

City of Middletown et al

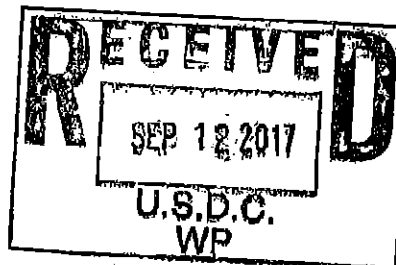
Orange County et al

COMPLAINT

Do you want a jury trial?

☐ Yes ☒ No

Write the full name of each defendant. If you need more space, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section II.



NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore not contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

I. BASIS FOR JURISDICTION

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation, and the amount in controversy is more than \$75,000, is a diversity case. In a diversity case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal-court jurisdiction in your case?

☒ Federal Question

☐ Diversity of Citizenship

A. If you checked Federal Question

Which of your federal constitutional or federal statutory rights have been violated?

4th Amendment - Unlawful and unreasonable search & seizure
5th Amendment - Due Process 14th Amendment - equal protection
8th Amendment - Excessive bail - 6th Amendment

B. If you checked Diversity of Citizenship

1. Citizenship of the parties

Of what State is each party a citizen?

The plaintiff, _____, is a citizen of the State of
(Plaintiff's name)

(State in which the person resides and intends to remain.)

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of

If more than one plaintiff is named in the complaint, attach additional pages providing information for each additional plaintiff.

If the defendant is an individual:

The defendant, _____, is a citizen of the State of
(Defendant's name)

or; If not lawfully admitted for permanent residence in the United States, a citizen or
subject of the foreign state of _____

If the defendant is a corporation:

The defendant, _____, is incorporated under the laws of
the State of _____

and has its principal place of business in the State of _____

or is incorporated under the laws of (foreign state) _____

and has its principal place of business in _____

If more than one defendant is named in the complaint, attach additional pages providing
information for each additional defendant.

II. PARTIES

A. Plaintiff Information

Provide the following information for each plaintiff named in the complaint. Attach additional
pages if needed.

J'min A. Ward
First Name Middle Initial Last Name

110 Wells farm Rd.
Street Address

Orange County, Goshen, New York, 10924
County, City State Zip Code

Telephone Number

Email Address (if available)

B. Defendant Information

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. Attach additional pages if needed.

Defendant 1:

City of Middletown
 First Name Last Name
 Current Job Title (or other identifying information)
16 Times Street
 Current Work Address (or other address where defendant may be served)
Orange County Middletown, New York 10940
 County, City State Zip Code

Defendant 2:

Orange County
 First Name Last Name
 Current Job Title (or other identifying information)
15 Matthews Street
 Current Work Address (or other address where defendant may be served)
Orange County Groton New York 10924
 County, City State Zip Code

Defendant 3:

 First Name Last Name
 Current Job Title (or other identifying information)

 Current Work Address (or other address where defendant may be served)

 County, City State Zip Code

Defendant 4:

First Name

Last Name

Current Job Title (or other identifying information)

Current Work Address (or other address where defendant may be served)

County, City

State

Zip Code

III. STATEMENT OF CLAIM

Place(s) of occurrence: Middletown City Court, 41 Woodlake Ave, Middletown, NY
Orange County Supreme Court. May 23, 2017, 6-21-2017

Date(s) of occurrence: April 18, 2017, April (20) (21) (24)
August 17, 2017

FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and what each defendant personally did or failed to do that harmed you. Attach additional pages if needed.

On April 18, 2017 the city of Middletown Judge, Hon. S. Brockett exceeded his jurisdiction by issuing, addressing, and authorizing a broad, hyper intrusive, no knock, anytime search and seizure warrant to police officers of the city of Middletown and correctional officers of orange county.

The city of middletown Police Officer Eric J Herget #1237 applied and obtained warrant on the behalf of the correctional officers of orange county and exceeded his respective jurisdiction. Said warrant was authorized for the premises of my family's home 41 Woodlake Ave, Middletown, NY 10940.

The "Any member of the orange county Sheriff's office Special Operation Group" (S.O.G) consist of correctional officers, as affirmed by the orange county district attorney Matthew Healy. (see attached documents) CPL 690.05 and CPL 690.25 does not authorize the issuance of a warrant to anyone other than a police officer, nor does it authorize warrant. Page 5

to be addressed to anyone other than a Police officer. My due process was violated making the warrant illegal and the city of middletown Judge and the city of Middletown police department deprived me

of equal protection of the laws, (14th 6th) and (14th) Amendments violated)
 The city of Middletown Police and The Orange County Correctional
 Officers ^(SOG) executed said Warrant on April 20, 2017 at 5:00 AM
 CPL 2.10 (25) defines Correctional officers as "Peace officers" CPL 2.10
 limits the powers of said "Peace officers" to warrantless arrests and
 Warrantless Searches. The Orange County S.O.G. exceeded their
 Jurisdiction by executed Warrant which is beyond their scope of
 respected duties, and violated my 4th Amendment and corresponding
 N.Y.S Const. Art 1 § 12. City of Middletown Police and Orange County
 S.O.G. entered my home with excessive force by breaking through
 my front entrance unannounced and waking up my family by the loud
 bang and profane language. My family consist of me, my wife,
 our 2yr old, 7yr old, and 10yr old daughters. (can't see attached)

INJURIES:

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

Illegal detainment from illegal Search and Seizure, lost of family time,
 Humiliated, morally robbed, Terrified that just my body
 can raid my home regardless of the law, feel unprotected
 by law and constitution. Helpless to protect my family.

Spirit and pride injured. No Medical treatment, turned
 my life over to Christ, I go to services twice a week,
 confessed sins and was forgiven by our Lord and Savior. God Bless
 IV. RELIEF

State briefly what money damages or other relief you want the court to order.

\$10,000,000 and for court to monitor the actions ^{require}
 of the city of Middletown and Orange County or
 they receive further training of the constitution and
 Criminal Procedure, I'm moving my family out of
 New York State, or at least Orange County

(Cont'd) Facts: ①

They ransacked the downstairs in search of me. Not to arrest me, but to detain me and my family, then search me. Warrant was for search & seizure not arrest. While downstairs they were shouting "Police, Police, Where the fuck is he?" My home was dark and my wife and I jumped out of bed to get our kids. My wife went to grab our two oldest daughters and I went to grab our youngest in the dark. My wife was met by the stairway on her way to the girls room by an officer in assault gear helmet with light on top brandishing an assault rifle pointing at her and he shouted "Where the fuck is he?" She immediately went in the adjacent room where our daughters were scared and located and you can hear the officers rushing upstairs and see the lights from their helmet dancing off the walls. From the entrance of our bedroom, I then had our 2yr old in my arm on my way to the stairway and I see my wife and two girls terrified and scared as the officer shouted "Get the fuck downstairs, where is he?" I was right behind my family and when the officers seen me they immediately shouted, "Put the fuckin' Baby down" and proceeded to approach me with assault rifles pointed at my family and I the whole time. One officer took my child out of my hands and two more approached me and used excessive force to put my hands behind my back and strap my wrist together. I was lead

(Cont'd) Facts: (2)

downstairs arms strapped and was seated at our dining room table with the vision of my family seated on the couch together and two officers with assault rifles watching over them. More officers entered my home and started to tear up everything in every room of the house, searching with unlimited discretion. They even searched my daughter's three Easter baskets and confiscated the money that was inside them. I was then brought to Middletown Police Dept. by a Middletown Police officer and charged with possession. Middletown Police officer Eric J. Herget #1237 then handed me a 13-a forfeiture paper while I was in the cell and told me my wife's vehicle was being forfeited, even though the warrant did not direct the vehicle to be seized. The procedure for the 13-a ended up being false. (^{original} documents were sent to clerk - 500 Pearl Street, NY, NY 1007 two weeks ago) Thus violating my 4th Amendment making the search unreasonable due to unlimited discretion. April 21, 2017 I was in the city of Middletown court before the Hon. Judge S. Brockett for arraignment. The same Judge who issued the warrant to correctional officers. The Judge remanded me and said if an indictment wasn't made in 144 hours I was to be let go on R.O.R. April 24, 2017 I was brought from Orange County Jail back to Middletown City Court before the Hon. S. Brockett (same Judge who issued warrant) and he asked has an indictment been made. No indictment was made. Hon S. Brockett ordered that I return to the city of Middletown court.

(Cont'd) Facts: ③

in front of him on June 21, 2017 even if indictment was made and I was let go, I was to return to the City of Middletown court before him on June 21, 2017. The fundamental constitutional requirement of a valid Search Warrant is that it be issued by a neutral, detached, Magistrate. Hon. S. Brackett issued warrant and was overseeing the case while it remained in Middletown City Court violating my 4th Amendment. On May 23, 2017 I was brought in front of Hon. Craig S. Brown for an arraignment of the possession charges I was indicted on May 22, 2017 (document enclosed). It was well over the required 144 hours to be indicted and I was never made aware of the grand jury proceeding or accorded an opportunity to testify pursuant to CPL 190.50. Orange County violated my right. On that day May 23, 2017 Hon. Craig S. Brown set bail at an excessive \$500,000 cash \$1,000,000 bond as a second time felon, violating my 8th Amendment right. My last felony was well over 10 yrs, and I'm not consider a flight risk, because I always attended every court date. On June 21, 2017 I was brought back to the City of Middletown Court before Hon S. Brackett and he sent me back to Orange County Jail because I was now indicted. In the month of July my Attorney Edward Bruno esq (15 Bough Ave, Pine Bar NY 12566 (845) 361-3671) filed a Supplemental motion to suppress the evidence and the facts alleged in the motion was that the City of Middletown Judge S. Brackett and the City of Middletown Police Officer Eric J. Hargett #237 both exceeded

(Cont'd) Facts: (4)

Their respective jurisdictions by issuing, addressing, and obtaining a warrant on behalf of correctional officers, (document attached). On August 4 2017 orange county district attorney responded to the motion. (Matthew Healy) In his motion he conceded that the S.O.G is in fact correctional officers, but it was a ministerial mistake and their role was limited. On August 17 2017 I was brought back to orange county supreme court in front of Hon. Craig S. Brown and he decided and ordered a suppression hearing on the listing of S.O.G on the warrant and their role in the execution. (document attached) A clear violation of my due process rights and equal protection of the law. Hon. Craig S. Brown exceeded his authority. CPL 70.60 (2)(a) - requires a court to grant motion to suppress if the people concede to the allegations of fact which support the motion. The district attorney conceded, with excuses that do not involve "Excess of Jurisdiction" The excuse of not knowing they were correctional officers is another violation of my legal due process. It is their duty as public officials to know. The role they played has nothing to do with whether or not they are authorized to be issued or addressed a warrant, or have a warrant obtained on their behalf. The City of Middletown and Orange county violated my (4), (5), (6), (14) (8) Amendments of the United States constitution and the New York constitution Art 1 § 12. Please protect my rights

God Bless you


V. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I agree to notify the Clerk's Office in writing of any changes to my mailing address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

9-10-2017
 Dated


 Plaintiff's Signature

Jimin A Ward
 First Name Middle Initial Last Name

110 Wells Farm Rd
 Street Address

Orange County Gordhen NY 10924
 County, City State Zip Code

Telephone Number Email Address (if available)

I have read the Pro Se (Nonprisoner) Consent to Receive Documents Electronically:

☐ Yes ☐ No

If you do consent to receive documents electronically, submit the completed form with your complaint. If you do not consent, please do not attach the form.



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